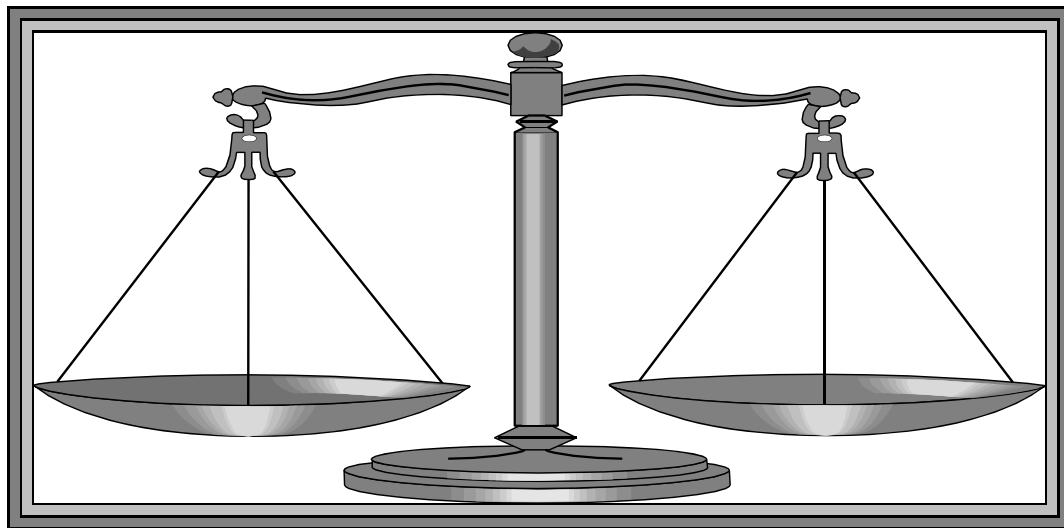


***UNITED STATES DISTRICT COURT  
For the Eastern District of Virginia  
Alexandria Division***

***Pro Se  
Reference  
Handbook***



December 2, 2015

**UNITED STATES DISTRICT COURT**  
**For the Eastern District of Virginia**  
**Alexandria Division**

**Pro Se Reference Handbook**

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**Introduction**

Welcome to the United States District Court for the Eastern District of Virginia. The Eastern District of Virginia consists of four divisions: Alexandria, Norfolk, Richmond, and Newport News.

The following instructions have been compiled to assist any person wishing to represent themselves (pro se) in a civil action in the Alexandria Division. These procedures do not satisfy all needs, nor is this handbook a substitute for legal representation. The information contained herein is not legal advice.

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# Pro Se Reference Handbook

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## Pro Se Definition

People acting pro se are people who represent themselves in a legal action. A pro se litigant may only represent themselves; they may not represent any other person or entity.

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## Legal Resources Available

The following legal resources are available to people representing themselves pro se:

Resource	Hours of Operation
Legal Services of Northern Virginia, Inc. 121 N. Washington St Suite 300A Alexandria, VA 22314 (703) 684-5566	Monday – Friday 9:00 a.m. – 4:00 p.m.
Alexandria Bar Lawyers Referral 520 King Street Suite 202 Alexandria, VA 22314 (703) 548-1105	Monday – Thursday 9:00 a.m. – 4:00 p.m.  Friday 9:00 a.m. – 1:00 p.m.
Alexandria Law Library 520 King Street Suite 308 Alexandria, VA 22314 (703) 838-4077	Monday – Friday 9:00 a.m. – 5:00 p.m.

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## Filing Procedures

The Court requires an original of each document filed. A document is called a “pleading.” Pleadings must be typed, printed or legibly handwritten on 8 1/2 x 11 inch paper, and the pages must be sequentially numbered. Any documentation submitted with a pleading must be attached to the pleading and referred to in the pleading.

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## Copies of Court Documents

Do not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk’s Office to be copied and returned. The fee for any copying of court documents done by the Clerk’s Office is \$0.50 per page for paper documents and \$0.10 per page for electronic documents. Payment is due at the time of the copy request.

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## Pro Se Reference Handbook, Continued

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**Complaint  
Filing Fee**

The charge for filing a complaint is \$400.00. There may also be additional fees for service of the summons and complaint upon the defendant. “Service” is the term used to describe the procedure by which a defendant is informed of a lawsuit that has been commenced or of additional pleadings added to the file as the case proceeds.

If the payment of fees poses a hardship, the filer may apply to be excused from the payment of fees by completing the form “Application to Proceed Without Prepayment and Affidavit.” The form may be obtained from the Court’s Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov), and from the Clerk’s Office. A sample *Application to Proceed Without Prepayment and Affidavit* is provided in this handbook. If the Court allows waiver of fees, then the filing and the service fee of the U.S. Marshal do not need to be paid.

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**Address  
Change**

The Court must be informed of any change of address. The Clerk’s Office must have a current, correct address and telephone number in the file. In the event of a move, the Court must be promptly notified of any change of status.

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**Rules to Follow**

The Federal Rules of Civil Procedure and the Court’s Local Rules must be followed throughout the life of the case. These rules can be found on the Court’s Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov). The Clerk’s Office employees are not attorneys and are prohibited from giving legal advice or acting as counsel.

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## Pro Se Reference Handbook, Continued

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### Complaint

Civil lawsuits in Federal Court begin with the filing of a complaint. The name of the court, “The United States District Court for the Eastern District of Virginia, Alexandria Division” should appear on the first page, centered at the top of the page. A sample complaint is included in this handbook.

The complaint must include the following:

- A caption that contains the names of the litigants, such as name and address of the plaintiff (person filing the lawsuit) versus the name and address of the defendant (person being sued). This caption should appear on the upper left-hand corner of the page.
- A clear, concise statement of the allegations or claims you are making against the defendant(s) and reference to the laws or statutes under which federal jurisdiction is being claimed, i.e., why this lawsuit is being filed in federal court.
- A statement of the relief being sought – what the Court should do to correct the situation.

Also be sure to do the following:

- **Each** plaintiff sign and date the complaint,
- Type or legibly write the complaint on 8 ½” x 11” paper,
- Include a current address where notices from the Court or the opposing side may be served, and
- Submit a copy of the complaint for each defendant against whom the lawsuit is being filed.

To comply with the E-Government Act of 2002, do not include any sensitive information on documents filed with the Court. If sensitive information must be included, personal identifiers must be redacted as follows:

- Names of minor children to initials (Example: A.J., B.T.)
- Account numbers to the last four digits (xxxx-xxxx-1212)
- Social Security Numbers to the last four digits (xxx-xx-1212)
- Dates of birth to the year only (DOB 1999)

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## Pro Se Reference Handbook, Continued

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### Submission of the Complaint

When you submit your complaint to the Court, provide the following:

- The \$400.00 filing fee for a civil suit or your Motion to Proceed In Forma Pauperis (IFP). Your IFP application will be submitted to the judge for consideration. If your IFP application is granted, the court will enter an order granting IFP and your complaint will be filed. If your IFP application is denied, you will be required to pay the filing fee.
- The original Complaint and an identical copy, including any exhibits, attachments, or motions that you submitted with the Complaint, for **EACH** Defendant to be served.

**Note:** If the Defendant is either an agency of the United States or an officer or employee of the United States, you must provide two additional copies of the complaint, including any exhibits, attachments, or motions that you submitted with the Complaint. The additional copies are for service on the U.S. Attorney General and the U.S. Attorney in Alexandria.

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### Service of Process

“Service of Process” refers to the procedure of notifying a defendant that a lawsuit has been filed, what the lawsuit is about, and the time for filing an answer to the complaint.

In accordance with Rule 4 of the Federal Rules of Civil Procedure, you are responsible for making arrangements for service of the Complaint within 90 days from the date the Complaint is filed. If service is not affected within 90 days, your case may be dismissed.

The U.S. Marshal will not serve a summons and complaint if the pro se plaintiff is able and required to pay the filing and service fees. In that instance, the pro se plaintiff is responsible for prompt service of the complaint and summons in accordance with Local Rule 4(A) and Rule 4 of the Federal Rules of Civil Procedure.

The summons and complaint may be served by any person not less than 18 years of age who is not a party to or has an interest in the subject matter of controversy.

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## Pro Se Reference Handbook, Continued

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### Service of Process – Mail Service

Rule 4 of Federal Rules of Civil Procedure also provides for service of the complaint by mail using the “Notice of Lawsuit” and “Waiver of Service of Summons” forms. Rule 4 permits a defendant to waive personal service of process. This means that the defendant(s) agrees to respond to the Complaint without being personally served with a summons. A *Notice of Lawsuit and Waiver of Service of Summons* form must be completed for each defendant. These forms may be obtained from the Clerk’s Office or on our website at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov). A sample *Notice of Lawsuit and Waiver of Service of Summons* is provided in this handbook.

To request waiver of service of summons from a Defendant, you must send the Defendant the following items by first class mail or other reliable means:

- Completed *Notice of Lawsuit and Request for Waiver of Service of Summons* forms,
- An extra copy of the *Waiver of Service of Summons* form for the Defendant to keep,
- A self-addressed stamped envelope so the Defendant can return a *Waiver of Service of Summons* to you,
- A copy of the complaint, including any exhibits or attachments or any motions that you submitted with the complaint.

When you receive the signed *Waiver of Service of Summons* form from the Defendant(s), you must file the originals with the Court. If the Defendant fails to return the *Waiver of Service of Summons* form within the specified time, you must submit a written notification to the Clerk and request that a summons be issued by the Clerk’s Office.

**Note:** Notice and Waiver forms may not be used when the defendant is the United States, a federal government agency, or a federal government official or employee of a foreign, state, or local government sued in his official capacity.

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## Pro Se Reference Handbook, Continued

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### **Service of Process on a U.S. Government Agency or Employee**

If the Defendant is either an agency of the United States or an officer or employee of the United States, you must also serve both the U.S. Attorney General and the U.S. Attorney in Alexandria with a Summons form. You can serve the summons and complaint either by first class mail (or other reliable means) or you may have the summons and complaint personally served by any person not less than 18 years of age who is not a party to or has an interest in the subject matter of controversy.

Submit two copies of a completed *Summons* form for service on each of the following:

Serve:  
Attorney General of the United States  
Main Justice Building  
10<sup>th</sup> & Constitution Ave, NW  
Washington, DC 20530

Serve:  
United States Attorney for the Eastern District of Virginia  
2100 Jamieson Avenue  
Alexandria VA 22314

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### **Copies of Pleadings to Opposing Side**

After a defendant has been served, a copy of any pleading submitted to the Court must also be sent to the defendant's attorney (or to the defendant, if unrepresented) in accordance with Rule 5 of the Federal Rules of Civil Procedure.

All pleadings must contain a *Certificate of Service* reflecting that a copy of the pleading has been sent to the opposing side. A sample *Certificate of Service* is provided in this handbook.

The Clerk is not permitted to forward copies of pleadings for any litigant.

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## Pro Se Reference Handbook, Continued

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### Motions Practice

Motions hearings for civil cases are held on Fridays at 10:00 a.m. unless otherwise ordered.

To set a civil motion for a hearing, you need to do the following:

- File a “Notice of Hearing” with your motion, setting the motion for a Friday at 10:00 a.m.
  - Select your Friday motion date according to the following deadlines:
    - Non-dispositive motions (e.g., discovery, default judgment, leave to file an amended complaint, etc.) must be filed by 5:00 p.m. Friday for the following Friday’s hearings.
    - Dispositive motions (e.g., summary judgment, dismiss case, etc.) must be filed and noticed for a Friday after the 11-day response deadline expires.
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### Sample Forms

Samples of the following forms are included below for review and guidance:

- Application to Proceed Without Prepayment and Affidavit
- Complaint
- Notice of Hearing
- Certificate of Service
- Summons
- Notice of Lawsuit and Request for Waive of Service of Summons

*Note: Statements in bold on the forms are guidance for filling out the forms.*

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